



## TOWN COUNCIL WORK SESSION

Monday, July 1, 2019 @ 7:00 p.m.  
Town Hall Council Chambers

### **COUNCIL/MAYOR RELATED ITEMS:**

1. Request to Hang American Revolution Plaque in Town Hall (*Councilman Tewart*)
2. Council Discussion/Goals

### **TOWN/STAFF RELATED ITEMS**

3. Update on Recycling Collection – *Director of Public Works*
4. FY20 Budget Amendment for Community Development Department – *Director of Finance*

### **COUNCIL/MAYOR RELATED ITEMS:**

5. Ordinance Amendment to Chapter 4-19 - *Interim Mayor*
6. Closed Meeting – Consultation with Legal Counsel

### **Motion to Go into Closed Meeting**

I move that Council convene and go into Closed Meeting for the following purposes: consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, (a) compliance with the terms of Town Hall/Afton Inn Land Exchange Agreement and restrictive covenants, (b) legal obligations and remedies regarding the alleged Afton Inn contract default by the EDA, and, (c) the Town/EDA lawsuit, all requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia;

### **Motion to Certify Closed Meeting at its Conclusion** [*At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:*]

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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## Work Session Agenda Form

Item # 3

DATE: July 1, 2019

**AGENDA ITEM: Town Recycling Issues**

**SUMMARY:**

The Public Works Director will present a power point presentation explaining:

- Overview of Current Recycling issues with Town's Recycling program and market
- Options to get the Town through current recycling market conditions
- DEQ Recycling mandate information
- Discussion of possible future solutions from a Regional standpoint

This presentation will also show other areas in Virginia that are currently experiencing same issues due to the lack of demand of recycling and how they are handling.

**BUDGET/FUNDING: 4203**

**STAFF RECOMMENDATION: Public Works Director, Robert Boyer, will be available**

Work Session

# Recycling Issues

Robert B. Boyer, Public  
Works Director

July 1, 2019

# AGENDA

Overview of Current Recycling issues with Town's Recycling program and market

Options to get the Town through current recycling market conditions

DEQ Recycling Mandate information

Discussion of possible future solutions from a Regional standpoint

# Town of Front Royal: Recycling program

- ▶ The Town's solid Waste Dept. collects over 400 tons a year of recyclables a year
  - ▶ 2018-469.37 tons
- ▶ Items are collected in separate bins and hauled to Southern Scrap in Winchester, VA to be sold
  - ▶ Paper, plastic, cardboard, tin and aluminum is collected from residents
- ▶ Town has been using Southern Scrap for over ten years
  - ▶ December 2017 Mixed paper rate \$32.00 per ton
  - ▶ December 2018-Mixed paper rate \$4.69 per ton
  - ▶ Price of Cardboard is at a 12 year low
  - ▶ April 2019-Received letter no longer taking cardboard-
  - ▶ May 1, 2019-Town would be charged \$20 per ton processing fee for cardboard collection
- ▶ Southern Scrap-no longer accepts items from The Town of Front Royal or the City of Winchester

## Recycling may be scrapped in Frederick County

By Josh Janney  
For The Northern  
Virginia Daily

**WINCHESTER** — Frederick County may be forced to discontinue most of its recycling in two months.

The county announced Wednesday that Southern Scrap is terminating its contract with the county for recycling services. The county received the 60-day notice on June 13.

The county, which operates the Regional Landfill on Landfill Road and 11 convenience centers for refuse disposal, currently sends mixed paper, cardboard, steel, aluminum cans, plastic bottles and jugs, and plastic retail shopping bags to Southern Scrap on Stine Lane for recycling. If a new contract cannot be negotiated or another solution found, these items will go into the landfill with the other trash. County recycling programs that do not involve Southern Scrap, such as electronics recycling, will not be impacted.

Southern Scrap President Steven Williams could not be reached Wednesday for comment.

Frederick County Solid Waste Manager

Gloria Puffinburger said in a news release that the county hopes to find a way to maintain its recycling programs through at least the end of the year, "but with the uncertainty in the recycling industry as a whole, we are not completely surprised" about Southern Scrap's contract termination.

"Researching options for recycling and other waste issues is a constant in my office," she continued. "We have a number of ideas being explored and there is outreach being done to try to find both a short-term, mid-term, and long-term solution."

Until recently, the county typically entered into a year-long contract with Southern Scrap, with the most recent annual contract expiring in December 2018. But with the instability in the recycling market, Williams proposed shorter arrangements, so the county signed a new contract in December for 90 days, with renewal every 90 days unless either party chooses to take the 60-day opt out clause.

"This is an unfortunate situation that is not just a local problem but a national and international issue,"

Frederick County Public Information Officer Karen Vacchio said in the release. "The market for recyclables is becoming more and more restricted and as that happens, the options for disposing of the materials are changing rapidly."

In November 2016, the county stopped recycling glass because the market for it had declined. Reviving the glass recycling program would cost the county more than \$53,000 a year.

County residents currently do not pay a fee to recycle materials that are sent to Southern Scrap.

The worldwide recycling market has faced numerous challenges in recent years, in large part because China announced in 2017 it would stop accepting 24 kinds of recyclables including unsorted paper, plastics and cardboard. Since then, the United States and other countries have encountered difficulty getting rid of certain materials. A World Trade Organization filing states China wants to be stricter about the quality of materials it accepts.

China has accepted more than 116 million tons of plastic since 1992, according to a

study published by the journal *Science Advances*. By 2030, more than 122 million tons of plastic will be in search of a recycler.

Winchester was recently notified by Southern Scrap that it will stop accepting most city recyclables on July 15, which could end the city's free curbside recycling program. The city is conducting an online survey to see if residents want to eliminate the recycling program or continue it with participants paying a monthly fee of \$2. As of Wednesday afternoon, 1,061 people had responded to the survey, with 70.1% saying they would be willing to pay a fee to keep the recycling program.

Vacchio said the county does not have an online survey but it welcomes input from the public.

As the situation develops, information will be posted on the county website at [www.fcva.us](http://www.fcva.us) and on various social media platforms. People may also visit [www.fcrcycles.net](http://www.fcrcycles.net) to learn about recycling programs that will not be impacted.

People with questions or concerns should contact Vacchio at 540-722-8307 or [kvacchio@fcva.us](mailto:kvacchio@fcva.us).

# Frederick County- Southern Scrap Article- June 21, 2019

# Recycling issues and market

- ▶ There is currently a low demand for the recycling market
- ▶ China has stopped purchasing about 90% of recycling and implemented new contamination laws
  - ▶ China was the world's largest global importer of most types of recycling materials, importing more than 7.3 million metric tons of waste products from developed countries. Accordingly, it's been a reliable external source to accept our recycled goods
  - ▶ China had been processing at least half of the world's exports of waste paper, metals and used plastic – 7.3 million tons in 2016, according to industry data
  - ▶ US used to send 4,000 shipping containers of recycled goods to China-DAILY!
  - ▶ In 2017, China passed the National Sword policy banning plastic waste from being imported – for the protection of the environment and people's health – beginning in January 2018.

# Recycling Issues: Town's options

*The Town will need to adjust its recycle program like other local Town's and cities- short term and long term.*

## ▶ Option #1-Republic Services in Manassas, VA.

- ▶ Willing to take recycling as single stream
- ▶ Town would have to collect recycling curb side, then haul it once a week
- ▶ Cost is \$105 per ton for them to take our recyclables
- ▶ Currently, we collect an average of 410 tons per year=\$43,050 increase to budget
- ▶ With this option Town would not need a new recycle trailer in FY20 or any additional roll-off containers

### Possible Funding Options

- The Town could increase the trash monthly charge minimum of \$0.85 per trash cart to cover the cost
  - \$14.95 month-96 gal (Currently \$14.10)
  - \$12.85 month-32 gal (Currently \$12.00)
- The \$48,000 in FY20 budget for new Recycle Trailer could be redirected to cover cost for first year

# Recycling Issues: Town's options

- ▶ **Option #2-Suspend Recycle program**
  - ▶ Cease recycling program until market and demand comes back
  - ▶ Have residents place their recyclables in with their trash
  - ▶ This would be residential trash so there wouldn't be any tipping fees

## Local Cities and how they are dealing with recycling issues:

- ▶ City of Staunton, VA
  - ▶ Has postponed their curbside recycling program for now
- ▶ City of Harrisonburg, VA
  - ▶ Postponed curbside recycling program
  - ▶ Offering location drop offs twice a week at local parks
- ▶ City of Winchester
  - ▶ Recently discussed at Council meeting
  - ▶ Decided to put out public survey for two weeks allowing residents opinions to be heard
  - ▶ considering same options at this time

# DEQ Recycling Mandate-25%

## Mandatory Recycling Rates for Localities

- ▶ The Virginia General Assembly has adopted legislation which set the following recycling rates for communities:
- ▶ Each county, city, town or regional authority was required to establish recycling programs that would meet or exceed a recycling goal of 25% of its municipal solid waste generation. The statutory recycling rate of 25 percent continues today for many Virginia localities, but legislation introduced in 2006 provides for a two-tiered recycling mandate - 15% and 25%. Localities or regions (called Solid Waste Planning Units or SWPUs) with population densities less than 100 persons per square mile or with an unemployment rate 50% higher than the statewide average now qualify for a 15% mandated recycling level, with all others remaining at the 25% recycling mandated level.

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[Regulations for the Development of Solid Waste Management Plans \(9 VAC 20-130-10 et seq.\)](#) require that Regions as well as each city, county, and town not part of a designated Region in the Commonwealth develop and maintain solid waste management plans. Section 9 VAC 20-130-120 B& C of the Regulations requires that a minimum recycling rate of 25% of the total municipal solid waste generated annually in each city, county, town, or Region be maintained. Note that with the 2006 legislation, the regulations were revised to include the 15% mandated recycling level for qualifying SWPUs. It also requires that the plan describe how this rate shall be met or exceeded and requires that the calculation methodology be included in the plan. Section 9VAC 20-130-165 D establishes that every city, county, and town in the Commonwealth, or solid waste management planning region (now SWPUs) *with populations in excess of 100,000 (17 of the 71 SWPUs)* shall annually submit to the Department of Environmental Quality by April 30 of each year the data and calculations required in 9 VAC 20-130-120 B&C for the preceding calendar year.

Effective after CY 2012, each city, county, and town in the Commonwealth, or solid waste management planning region (now SWPUs) *with populations of 100,000 or below* shall only be required to submit to the Department of Environmental Quality *every four years* the data and calculations required in 9 VAC 20-130-120 B&C. The next required reporting will be for CY 2020.

These submittals are the basis for establishing the state Recycling Rate in Virginia each year. Recycling Action Plans, or RAPs, may be a required part of the solid waste management plan if the SWPU falls below its mandated recycling rate.

The calendar year 2017 Annual Recycling Rate Report established a recycling rate for Virginia of 42.8 %, which included credits for solid waste reused, non-MSW recycled, recycling residues, and source reduction programs. This rate was based on the data submitted by 17 of the 71 SWPUs required to report for 2017. Most of the highest recycling rates historically were experienced by programs in the urban areas of Virginia.

# Northern Shenandoah Valley Regional Commission

Held a meeting on June 24, 2019 with Local Towns and Cities to discuss regional recycling options

Planning to fund a feasibility study to look at the possible benefits in building a local regional facility and other possible long term solutions

Next meeting-July 17 at 10am

? QUESTIONS ?



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## Work Session Agenda Form

Item # 4

DATE: July 1, 2019

### AGENDA ITEM: FY20 Budget Amendment for Community Development Department

**SUMMARY:** Council is requested to approve a FY20 Budget Amendment to create a separate departmental budget for Community Development in the amount of \$26,450. The Town currently has \$45,896.96 that has been carried forward for Community Development. A portion of funds previously set aside that have been carried forward on purchase order#28237 could be used to fund the new departmental budget. The departmental budget would be used to produce/create business brochures, provide letters/notices/post cards regarding upcoming business events, produce business recruitment packets, welcome kits to new businesses locating in town, fund some downtown events such as Hometown Halloween and events we can tag on to, host small events with realtors to showcase the Town of Front Royal, posters for properties for sale, allow staff to attend conferences/trade shows, and for memberships with Virginia Main Streets, Virginia Economic Development Partnership (VEDP) and the Virginia Economic Developers Association (VEDA).

<b>BUDGET/FUNDING:</b>	<b>1000-3510110 – G/F Appropriated Funds Forward</b>	<b>\$26,450</b>
	<b>1206-43002 – C/D Professional Services</b>	<b>\$15,000.00</b>
	<b>1206-43007 – C/D Printing &amp; Binding</b>	<b>\$1,000.00</b>
	<b>1206-43007 – C/D Advertising</b>	<b>\$250.00</b>
	<b>1206-45201 – C/D Postal Services</b>	<b>\$200.00</b>
	<b>1206-45401 – C/D Office Supplies</b>	<b>\$500.00</b>
	<b>1206-45411 – C/D Books &amp; Subscriptions</b>	<b>\$500.00</b>
	<b>1206-45412 – C/D Furniture &amp; Fixtures</b>	<b>\$500.00</b>
	<b>1206-45447 – C/D Downtown Events</b>	<b>\$3,500.00</b>
	<b>1206-45504 – C/D Travel &amp; Education</b>	<b>\$3,500.00</b>
	<b>1206-45801 – C/D Dues &amp; Memberships</b>	<b>\$1,500.00</b>

**STAFF RECOMMENDATION:** Staff recommends to approve the budget amendment as written.

Work Session

	<b>- Community Development</b>		
<b>Account</b>	<b>Name</b>	<b>FY20 Proposed</b>	<b>FY19 Adopted</b>
43002	Professional Services	15,000	25,000
43006	Printing & Binding	1,000	5,000
43007	Advertising	250	1,000
		-	
45201	Postal Services	200	1,500
		-	
45401	Office Supplies	500	500
45411	Books & Subscriptions	500	500
45412	Furniture & Fixtures	500	1,000
45413	Other Operating Expenses	-	1,000
45447	Downtown Events	3,500	
		-	
45504	Travel & Education	3,500	4,500
45801	Dues & Memberships	1,500	1,500
	<b>Total Operating Expenses</b>	<b>\$ 26,450</b>	<b>\$ 41,500</b>
	<b>Total - Department</b>	<b>\$ 26,450</b>	<b>\$ 41,500</b>
	<b>Annual Adopted Budget</b>		<b>\$ 41,500</b>
	<b>Amended Budget Amount</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>Difference from actual vs amended</b>		

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## Work Session Agenda Form

Item # 5

DATE: July 1, 2019

**AGENDA ITEM:** Ordinance Amendment to Chapter 4-19 *“Order of Business; Placement of Items on the Agenda”*

**SUMMARY:** Town Code Chapter 4-19 *“Order of Business; Placement of Items on the Agenda”* is being updating to reflect changes to the procedures on placing items on the agenda and the approval of such items.

**BUDGET/FUNDING:** None

**STAFF RECOMMENDATION:** Council will direct staff to advertise for public hearing.

Work Session

#### 4-19 ORDER OF BUSINESS; PLACEMENT **AND APPROVAL** OF ITEMS ON ~~THE~~ AGENDAS

##### **A. ORDER OF BUSINESS**

1) At every regular meeting of the Council, the order of business shall be as follows:

Pledge of Allegiance.

Moment of Silence.

Roll Call

Approval of the Minutes of previous meetings

Receipt of Petitions and/or correspondence from the public.

Reports.

a. Report of Special Committees or Town Officials and ~~Report of the~~ Town Manager.

b. Requests and Inquiries of Council members.

c. Report of the Mayor

d. Proposals for addition/deletion of items to the Agenda.

Consent Agenda Items.

Items for Approval

Closed Meeting items (if applicable).

~~2)-B.~~ The order of business shall not be departed from except by the consent of two-thirds (2/3~~rds~~) of the members of the Council present and voting.

~~3)-C.~~ Consent Agenda Items: Items which appear under the heading “Consent Agenda Items” are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the “Items for Approval” portion of the order of business.

**4) At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.**

##### **B. PLACEMENT OF ITEMS ON AGENDAS**

~~1)-D.~~ The following items shall be placed on a Council Agenda for a regular meeting provided they are delivered to the office of the Town Manager. ~~and approved by the Mayor, or, in his absence, the Vice Mayor, no later than 12:00 Noon on the Tuesday before the meeting is scheduled.~~

a. Items ~~which come~~ from members of Town Boards or Commissions whose membership is appointed by the Council.

~~1. — Items which result from the application of a specific Town Code Section.~~

b. ~~3.~~ Items required for decision by the Town Manager, to include citizen requests placed in writing by the citizen or by the **Town** Manager.

~~2. — Items such as proclamations which are handled on a routine basis.~~

c. ~~5.~~ Items ~~which are~~ requested ~~for placement on the Agenda~~ by the Mayor ~~or a member of Council~~, to include citizen requests placed in writing **by the citizen or** by the Mayor ~~or Council Member~~.

**d. Items requested by at least two (2) members of Council, to include citizen requests placed in writing by the citizen or by the Council members.**

e. ~~6.~~ **Items requested** ~~Requests~~ from citizens who have appeared at a previous meeting of Council, and who have placed their requests in writing and asked for the matter to be considered at ~~the next regular meeting.~~ **an upcoming meeting of Council.**

f. ~~7.~~ Items **specially** requested for a joint ~~Work Session~~ meeting with another body, **that may include but not limited** to ~~such as~~ the Warren County Board of Supervisors, the Economic Development Authority, or a Town Board or Commission.

8. The Mayor shall cause items which do not meet the deadline and approval criteria specified in D, above, to be placed on an agenda for a regular meeting within thirty (30) days from the date of submission.

### **C. APPROVAL OF PLACEMENT OF ITEMS ON THE AGENDAS**

1) **The Mayor, or in his absence, the Vice Mayor approves the final regular meeting and work session agendas before publication and shall not remove any item on said agendas placed by at least two (2) Council members.**

2) **No items may be placed on regular meeting or work session agendas after publication without unanimous vote from all members of Council present and voting.**

~~In addition, the Council may override the Mayor's disapproval of any item which has been submitted within the specified time limit by adopting a motion to place the item on its Agenda by a unanimous vote from all members of Council present and voting.~~

~~E. The following items may be placed on the Agenda for a Work Session of Council provided they are delivered to the office of the Town Manager and approved by the Mayor, or, in his absence, the Vice Mayor, no later than 12:00 Noon on the Tuesday Wednesday before the meeting is scheduled:~~

~~1. Items D (3), (5), and (6), above, as well as items specially requested for a joint Work Session with another body, such as the Warren County Board of Supervisors, the Economic Development Authority, or a Town board or commission.~~

~~2. The Mayor shall cause items which do not meet the deadline and approval criteria specified in E, above, to be added to the Agenda for a Work Session within thirty (30) days of submission. In addition, the Council may override the Mayor's disapproval of an item which was submitted within the specified time limit by adopting a motion to do so on a majority vote from all members of Council present and voting.~~